

# **Preliminary Ecological Appraisal**

## **Land adjacent to W. Milligan & Sons Garage, Millom Road, Millom**

**3<sup>rd</sup> January 2023**

Report 0123/1

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## EXECUTIVE SUMMARY

A Habitat survey was carried out on and around the brownfield land surrounding W. Milligan & Sons garage on Millom Road, Millom. It is proposed that a new workshop is constructed on this land, adjacent to the existing workshop and office.

The purpose of the survey was to identify protected and/or notable habitats and species which may be impacted by the proposed scheme, to determine the likelihood of these impacts and suggest whether further surveys are required to quantify these impacts or to propose mitigation to compensate for these impacts. A particular focus for the survey was on the potential for natterjack toads to use the site.

A desktop search for records and information, a field survey, and a protected species data search were undertaken to establish species and habitats present on and in the near vicinity of the garage.

A total of 6 broad habitat types were recorded along in the survey area, and these were mapped and described in their local context. None of these habitats were of notable consideration in the context of the project, but the nearby extensive saltmarsh is part of internationally protected sites (Duddon Estuary SSSI, Morecambe Bay and Duddon Estuary SPA and Morecambe Bay SAC).

Numerous records of notable and protected species were collected. Most notable of these within the context of this project were records of amphibians (including natterjack toad) breeding in Ironworks Reserve (600m to the east) and common lizard in Ironworks Reserve. There is also a record of a terrestrial common toad on the nearby disused railway embankment. There is no amphibian breeding habitat on or near to the site.

The features of ecological interest or concern which could be affected by the proposed works are:-

- **Nearby statutory protected sites (SSSI, SAC, SPA)**
- **Nesting birds in scrub and trees**
- **Terrestrial amphibians (and possibly common lizard) on south-facing bank (remainder of site with compacted ground is not especially suitable for these animals)**

After analysing records in the context of this project, no additional ecological surveys are required. The habitat on site is not especially suitable for natterjack toads, and there are no breeding pools nearby.

Though there are no anticipated impacts on the adjacent statutory protected sites, it is necessary for the Planning Authority to consult with Natural England regarding this project as the sites are so close to the red line boundary.

The south-facing bank could support common lizard and terrestrial widespread amphibians (natterjack toad considered very unlikely to be on site), but should not be impacted by these proposals. It is recommended that this bank and the adjacent scrub are retained and left undisturbed during and after construction of the new workshop to provide habitat for local wildlife. As additional enhancement measures some bird boxes should be erected on the rear gable of the existing workshop and in the willow scrub on site.

Some cautionary working methods have been described – including nesting bird checks in any buildings or containers to be removed, and checks under debris in the works area for resting amphibians. Open trenches or ground works should be covered overnight to prevent animals falling in.

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# 1. INTRODUCTION

## 1.1 The aim of the survey

The aim of the survey was to identify any habitat or protected species issues or potential ecological constraints or concerns that would result from the construction of a workshop on brownfield land behind the existing garage on Millom Road, Millom.

The survey was carried out following technical guidelines provided by CIEEM (Chartered Institute of Ecology and Environmental Management) and mapped following UK Habitat Classification guidance (see Appendices for full references).

## 1.2 Proposed works

The proposed works involve clearing the land and construction of a new vehicle body workshop with concrete ramps to front and rear, associated parking spaces and installation of utilities.

No timescale has been confirmed yet.

## 1.3 The survey area/ zone of influence

The habitat survey was carried out on the proposed works area (site grid reference SD1780 8029) and, where possible, on all open land and field parcels defined in the buffer zone (approximately 250m from the proposed development). A zone extending to 250m from the development footprint was surveyed from public rights of way and access land to establish whether any ponds likely to support great crested newts or natterjack toads were present

**Figure 1: Location of proposed new workshop**



OS Map copied under licence (No. 100055725)

**Figure 2: Aerial photograph showing surrounding habitat**



*Imagery date = 2018*

## **2. SURVEY METHOD**

### **2.1 Desktop study**

Aerial photographs (Google Earth) and Ordnance Survey maps were used to assess the likely habitat types in and around the site, and to search for waterbodies that could host protected species such as natterjack toad or great crested newts. Natural England and JNCC websites were used to obtain boundaries of any statutorily designated sites in the area.

Cumbria Biodiversity Data Centre was consulted and a data search requested for protected species within 2km radius of the centre of the site.

### **2.2 Habitat survey**

The habitat survey was carried out by Tamsin Douglas MCIEEM (South Lakes Ecology) on December 13<sup>th</sup> 2022.

The area was walked over, and habitats within the study area were described and mapped using standard UK Habitats Classification methodology (UKHab 2020). The Professional edition of the UKHab guidance was followed, and habitats classed to level 5 of the hierarchy were applicable. Secondary codes were used with regard to land management, origin and habitat mosaics only. The minimum mappable unit was 25m<sup>2</sup>, with target notes used to describe smaller features.

### **2.3 Protected species survey**

Evidence of and potential for protected species was assessed on the site on 13<sup>th</sup> December 2022. In particular, the potential for the following species/ animal groups was assessed:-



### Birds

The site was assessed for its potential to support notable bird species, or important assemblages of wintering or passage birds. In particular the habitats on site were assessed for their potential and likelihood to support breeding birds, and any evidence/ sightings noted.

### Reptiles

The site was assessed for its potential to support reptiles such as common lizard, slow-worm and adder, following guidance issued in the 'Herpetofauna Workers Manual'.

### Amphibians

A search of the site was made to identify and assess any possible breeding ponds for amphibians, notably natterjack toad *Epidalea calamita* and great crested newt *Triturus cristatus*. Ponds within 250m of the proposed development were assessed for suitability to host great crested newt using methods detailed by Oldham *et al* (2000). An assessment was also made of the quality of the habitat for foraging and potential for hibernation sites. Survey was carried out following guidance published in the 'Herpetofauna Workers Manual'.

### Bats

The site was assessed for its suitability for roosting, foraging and commuting bats. Trees, buildings and other structures were appraised for likelihood of hosting roosting and/or hibernating bats, and topographical features of interest to commuting bats were noted. Survey followed methods described in the Bat Workers Manual.

### Terrestrial mammals

The potential of the site to support other protected terrestrial mammals, notably badger *Meles meles*, otter *Lutra lutra* and hedgehog *Erinaceus europaeus* was assessed. Evidence of activity such as badger setts/ otter holts, paths, latrines, droppings/ spraints and feeding signs were noted and appropriate guidance followed.

### Other species

Presence of and potential for other protected and/ or notable species was recorded.

Potential of the site to support important invertebrate assemblages was assessed following the Invertebrate Habitat Potential (IHP) rapid assessment categories and interim guidance outlined by Dobson and Fairclough (2022, awaiting publication of full toolbox). Any invertebrate sightings were recorded.

## **2.4 Invasive species survey**

The presence of any invasive species within the survey area was recorded and mapped.

## **2.5 Survey constraints**

The weather (sunny, cold with light breeze) was suitable for signs or sightings of most diurnal wildlife that is active in colder months, including most mammals and resident birds. Recent daytime temperatures had been colder than average for December, and therefore reptile and amphibian sightings were very unlikely.

The time of year was not ideal for assessing botanical quality of grasslands, as many plants have died back and species of interest are therefore harder to define.

The likely presence of protected species described in 2.3 above was inferred from the potential of the habitat to support them, any incidental sightings or evidence, biological records from the data search and professional judgement of the ecologist carrying out the survey.

### 3. BASELINE ECOLOGICAL CONDITIONS

#### 3.1 Desktop survey results

##### 3.1.1 Protected and statutory sites search

There is a large area of protected land within 5km of the property, the vast majority of which is designated for its coastal and inter-tidal habitats and species.

The site is almost immediately adjacent to Duddon Estuary SSSI, and as such the Planning Authority will need to consult with Natural England regarding possible impacts of the development on this protected site.

The proposed new workshop is also almost adjacent to Morecambe Bay SPA and SAC (sites of European importance). Due to the terrain and the nature of the proposed works it is not considered that further assessment of impacts on these sites is likely to be required (Habitat Regulations Assessments) – but consultation with Natural England will provide further direction for the Planning Authority on this.

**Table 1: Protected sites within 5km of proposed development**

Protected area/ site	Description of interest	Distance from car park
Millom Ironworks Local Nature Reserve	Natterjack toads, reptiles and flora of interest	165m east
Duddon Estuary SSSI	Coastal and intertidal habitats and species, notably wetland birds, natterjacks toads and invertebrates	20m north
Morecambe Bay and Duddon Estuary Special Protection Area	Breeding and wintering bird assemblages of International and national importance	20m north
Morecambe Bay Special Area of Conservation	Coastal and intertidal habitats of European importance	20m north
Hodbarrow RSPB reserve	Notable birds, amphibians, reptiles, invertebrates, flora and coastal habitats	1.3km south
Sandscale Haws National Nature Reserve	Coastal and intertidal habitats, amphibian, bird and invertebrate populations, notable flora	4.6km south

##### 3.1.2 Notable habitats data search

Seven notable habitats (listed under section 41 of the NERC Act 2006) were identified within 2km of the property. These were mostly coastal habitats within protected sites (SSSI, SAC and SPA), and included; Coastal saltmarsh, maritime cliffs and slopes, mudflats, saline lagoons, coastal & floodplain grazing marsh, deciduous woodland and ancient woodland. None of these habitats are inside, or immediately adjacent to, the landholding.

##### 3.1.3 Protected and notable species search

Online data searches for European protected species licenses and great crested newt records found only one record for natterjack toads 1.2km to the south.

The coastal area 1.3km to the south (coastal and floodplain grazing marsh) has been identified as an important plant area by Plantlife.

The data search from Cumbria Biodiversity Data Centre provided detailed records of protected, rare, scarce and alien species within 2km radius of the proposed new workshop. A total of over 7800 records were provided, of which approximately 6400 were of birds (most of which are records from Hodbarrow RSPB reserve or from the nearby protected wildlife sites).

A table of key species which are of notable consideration within the context of this project is shown in Table 2 below. Notable bird species have not been included in the table, unless they are of specific interest to this project, and/ or have further legislative protection, as all species of bird are protected whilst nesting. Notable invertebrate species have also only been noted below if relevant to the property, as there are many records within 2km which derive from nearby nature reserves and statutory sites.

**Table 2: Species of conservation concern which have been recorded within 2km of the proposed site**

Species	Priority species listed under s41 of NERC Act 2006*?	Wildlife and Countryside Act 1981 (as amended) Sch 1,5 or 8.	Proximity to site	Number of records (most recent)
Palmate newt		Yes	0.6km	7 (2016)
Smooth newt		Yes	0.6km	44 (2017)
Natterjack toad	Yes	Yes	0.6km	300 (2018)
Common toad	Yes	Yes	0.1km	80 (2016)
Common frog		Yes	0.6km	74 (2016)
Common lizard	Yes	Yes	0.2km	16 (2017)
Red squirrel	Yes	Yes	0.5km	4 (2005)
Otter	Yes	Yes	0.3km	1 (2008)
Hedgehog	Yes		0.8km	4 (2017)
Bats (2 named species)	Yes	Yes	0.5km	10 (2014)
Tree sparrow	Yes		1.5km	9 (2012)

\*Previously BAP (Biodiversity Action Plan) priority species

Tree sparrow is red listed on the latest 'Birds of Conservation Concern' report (2021), meaning its' population is still in significant decline. The closest breeding record was for Hodbarrow RSPB reserve 1.5km south.

The nearby record of common toad was of an adult seen on the old railway embankment, the nearest breeding record was 600m away within Millom Ironworks LNR (as for all the other amphibian species).

The nearby record of common lizard was from Millom Ironworks LNR.



## 3.2 Habitat survey results

The habitats were mapped, following UKHab methodology (see methods section and references), as shown in Figure 3 in the appendices. Descriptions of the major habitats are given in section 3.2.2 below, and detailed target notes on habitats or species of interest included as appendices to this report.

Photographs of the area of the proposed works are provided at the end of the report.

### 3.2.1 Habitats recorded within survey area

- h3h Dense scrub, no dominant species
- g4 Improved pasture
- u1 Urban (residential)
- u1a Open mosaic habitat (disturbed ground)
- u1d Urban mosaic developed/ natural surface
- t2a Salt marsh

### 3.2.2 Habitat descriptions

#### h3h - Dense scrub, no dominant species

This category includes all locally native low growing (usually under 5m) shrubs as well as bramble and gorse. Dense scrub can be very important for nesting and feeding birds and, depending on the species present, it can also be of value for invertebrates.

There are two main areas of this habitat- one to the south of the proposed new workshop, and an extensive area of scrub along the western boundary of Millom Ironworks LNR (also Duddon Estuary SSSI and Morecambe Bay & Duddon Estuary SPA).

The small area to the south comprises hawthorn and willows in particular, and is waterlogged in places. It provides a buffer between the residential areas of Millom and the mosaic of smallholdings and sheds (habitat u1d below). The boundary area alongside Millom Ironworks LNR comprises a mixture of species, and is dense in places along the bank, but more scattered where the soil is poorer.

There is a small area of dense scrub on the site (target note 3 – too small to map), which comprises hawthorn, willows and bramble. This area should not be directly impacted by the proposed works.

None of this habitat will be directly affected by the proposals.

#### g4 – Modified grassland

This is grassland that is regularly and intensively managed – such as lowland grazing pasture, silage fields, or amenity grassland. Typically these grasslands are subject to frequent fertiliser and pesticide application, and have been seeded - supporting a limited diversity of widespread agricultural or amenity species. Modified grasslands such as these are usually of very limited value to wildlife, though surrounding good habitat, including hedgerows, can increase their value.

One area comprising four fields can be seen to the east of the landholding. They are likely to be used by feeding coastal birds (especially gulls and oystercatchers). They appear to be broadly suitable for foraging natterjack toad, though any toads would have to return to shelter under scrub or refugia through the day as the fields are completely open with limited scope for burrowing.

This habitat will not be directly affected by the proposals.

#### u1 – Built up areas & gardens (residential)

The majority of the habitat to the south and west of the proposed new garage is residential – comprising houses and gardens (as well as some commercial and community properties). Domestic and commercial properties can support notable wildlife species such as nesting birds and bats. Depending on their management, gardens can provide excellent habitat for small birds, bats, hedgehogs, amphibians, reptiles and invertebrates.

Records of hedgehog and red squirrel from the data search came from gardens within 500 to 800m of the property.

No gardens or any surrounding properties will be directly affected by these proposals.

#### u1a - Open mosaic habitat (disturbed ground)

This is vegetation establishing on recently disturbed ground, such as spoil, gravels and tipped material. Millom Ironworks LNR is a post-industrial brownfield nature reserve with bare ground, sparse vegetation, sparse scrub, thick scrub and unimproved grassland. Much of the habitat present is open mosaic habitat.

The uneven terrain, mixed vegetation and rubble provide very good reptile habitat, and the ephemeral ponds on the nature reserve are used by breeding amphibians including natterjack toads. The nearby records of common lizard and also of breeding amphibians come from this nature reserve.

Areas such as this can also be very important for invertebrates, such as mining bee and wasp species.

None of this habitat will be directly impacted by these proposals.

#### u1d – Suburban mosaic of developed and natural land

Much of the peripheral land between the residential areas and the protected land around the coast and Millom Ironworks is a mosaic of scrub, grassland, small-holdings, sheds and workshops. The buildings are in a variable state of repair and stature. Many are suitable for nesting garden birds, but no buildings were noted as being of value for roosting bats. The scruffier corners of some of the small holdings could be used by resting and foraging amphibians and reptiles.

The whole of the redline boundary comprises this habitat – including existing sheds and workshops, informal parking, hardstanding, scrub and small areas of developing vegetation. Much of the vegetation and all of the scrub will be retained following the development. The new garage will be sited on land that is currently covered by hardstanding, a shipping container and patchy vegetation.

Other than the area within the development boundary, no other areas of this habitat will be directly affected by the proposals.

#### t2a – Salt marsh

Within the 250m survey buffer is a large area of upper salt marsh, which is part of the nearby Duddon Estuary SSSI and associated Natura sites. This is grazed by sheep and is currently listed as being in favourable condition on DEFRA's Magic website.

This habitat is likely to be used to some extent by foraging amphibians, though only in areas infrequently inundated by the tide. There are no records of breeding natterjack toads from this location.

This habitat is 20m north of the project footprint, and is very unlikely to be impacted by it.

A summary table of the habitats described above and their importance in the context of British conservation and the legal framework is shown below (Table 4).

**Table 4: Habitats of conservation concern**

Habitat	Priority habitat listed under s41 of NERC Act 2006?*	Is habitat a notable consideration?
Dense scrub		
Improved grassland		
Urban areas (residential)		
Open mosaic habitat	Yes	No, distant from works and will not be impacted
Suburban mosaic		
Salt marsh	Yes	No, distant from works and will not be impacted

\* Previously UK Biodiversity Action Plan (BAP) habitat

### 3.2.3 Ponds within 250m of the proposed development

Online aerial images and OS maps were used to identify any potential great crested newt or natterjack toad breeding ponds within 250m of the proposals. None were found, and none seen during the walkover survey.

The closest breeding amphibian records were 600m away within Millom Ironworks LNR and around Redhills quarry to the south. These were of common frog, common toad, natterjack toad, palmate newt and smooth newt. No records of great crested newt were found at all. The online search found a negative (absence) survey result for great crested newt 4.5km away from the property.

## 3.3 Protected and notable species survey results

### 3.3.1 Birds

Nesting birds are likely within scrub and individual trees on the site, and possibly within buildings and sheds that are seldom disturbed. Tree sparrows may use the site for foraging in winter, but are unlikely to nest as no suitable cavities or dense hedgerows were found on site. Only blackbird, wood pigeon, wren and blue tits were observed on the site during the survey. No scrub is due to be impacted for this project, but if any dense bramble or old sheds are to be removed in spring and early summer a cautionary check for nesting birds is strongly advised.

### 3.3.2 Reptiles

The rear (northern) part of the site (especially the south-facing bank) is broadly suitable for common lizard and slow worm. The compacted hardstanding where the proposed workshop is to be built is of low suitability for reptiles.

There are no slow worm records within 2km of the site, but there are records of common lizard from the Ironworks LNR 600m to the east. It is possible that common lizard could be present on site as there is suitable habitat along the old railway embankment linking the site with the Ironworks – though the risk of this is slight. The area of suitable reptile habitat will not be directly impacted by the proposals, and as the risk of them being present on site is slight no further survey work is deemed necessary.

### **3.3.3 Amphibians**

No water bodies are known in the immediate area, and there are none on site. It is possible that widespread amphibian species (such as frog, common toad and palmate newt) use the bank and grassland at the rear of the site for foraging, and could rest under debris on the site. The compacted hardstanding comprising most of the development site provides no burrowing or hibernation opportunities for amphibians.

There are no nearby records of natterjack toads, and the habitat on site is not especially suitable for this species, and the risk of this species being present on site is very slight. No great crested newt records are known within 2km of the site.

A cautionary check under all loose debris to be removed for the project is recommended and any amphibians found moved carefully out of harm's way. In the unlikely event of a natterjack toad being found then South Lakes Ecology must be contacted for advice on how to proceed.

### **3.3.4 Bats**

The buildings on site do not have roost features that are likely to be used by bats – either as there are no suitable cervices, or buildings are in regular use by the garage. There are no mature trees on site with suitable features for roosting bats. They are likely to forage over the landholding in suitable conditions (especially around the scrub), but the site is unlikely to be of key importance due to its size and lack of features of interest.

### **3.3.5 Terrestrial mammals**

No signs of terrestrial mammals were seen. It is possible that the site is used by hedgehogs (known to be active in the local area) and small mammals such as voles.

### **3.3.6 Other species**

Presence of and potential for other protected and/ or notable species was recorded. There are some small habitat features on site (developing grassland, south-facing bank patch of scrub and bare earth) that are of value to invertebrates, but these are all of minor grade and unlikely to support notable species.

### **3.3.7 Protected and notable species summary**

Within 50m of the proposed development :

The following signs or sightings of protected or notable species were seen during the survey within 50m of the site footprint.

- Widespread bird species in suitable nesting habitat (scrub and trees)
- Record of adult common toad on disused railway embankment

The potential for protected and notable species identified during the survey within 50m of the site was:-

- potential for foraging amphibians on south-facing bank (excluding natterjack toad): moderate.
- Potential for foraging and/or resting natterjack toad on south-facing bank: slight
- Potential for reptile activity on south-facing bank: low

Within the broader survey area:

Significant numbers of wintering, roosting and breeding waders and wetland birds are likely to use the saltmarsh area to the north of the proposed development. The area is also likely to be used by hunting birds of prey such as barn owl, merlin and peregrine falcon. Mammals such as otter and badger can forage around inter-tidal habitats such as this.

In the residential areas mammals such as hedgehog and bats are likely, as well as garden birds and widespread amphibian species.

The salt marsh and nearby residential areas will not be impacted by these proposals.

### **3.4 Invasive species survey results**

No invasive species were seen or recorded during the survey.

## **4. SURVEY CONCLUSIONS**

The features of ecological interest or concern which could affect, or be affected by the proposed works are:-

- **Nearby statutory protected sites (Duddon Estuary SSSI, Morecambe Bay & Duddon Estuary SPA and Morecambe Bay SAC).**

Impacts on these sites are considered to be very unlikely, but their proximity to the red line boundary and the nature of the proposed development means that the Planning Authority must consult with Natural England prior to determining approval for this development.

- **Nesting birds**

Garden birds are likely to use scrub and disused buildings on site to nest. None of this habitat is likely to be affected by the proposals, but as all bird species are fully protected whilst making a nest, incubating eggs and raising chicks, precautionary checks will be needed if any such habitat is to be damaged/ removed during the nesting season.

- **Terrestrial amphibians on south-facing bank**

Widespread amphibian species (not natterjack toad) may use the south-facing bank to forage and rest. It is recommended that this banking is left undisturbed during the development to avoid any impacts on these animals.

## **5. RECOMMENDATIONS**

### **5.1 Recommendations for further survey**

No further survey work is required for the construction project outlined in section 1.2 above.

### **5.2 Recommended avoidance and mitigation measures for ecological impacts not requiring further survey**

#### Nearby statutory protected sites

The Planning Authority is required to consult with Natural England regarding potential impacts of this project on these statutory sites as they are so close to the red line boundary of the development.

#### Nesting birds

A nesting bird check must be carried out prior to removal or cutting of any tall vegetation, bramble or scrub, or removal of any temporary buildings between 1<sup>st</sup> March and mid-August.

#### General

- Leave the south-facing bank undisturbed, as this provides shelter for various wildlife (including invertebrates, birds, small mammals and probably also amphibians).
- Ensure that no dangers are left for wildlife overnight/weekends during the works (such as holes that could trap and potentially kill amphibians and small mammals).
- Ensure areas of importance to nocturnal animals are not disturbed by light – turn off all lighting overnight/ when works are not active.
- Minimise the footprint of the development, clearly marking the area in which machinery and plant is permitted. Ensure that contractors are aware of the wildlife value of the site.

### **5.3 Recommended enhancements to encourage net biodiversity gains**

Following local planning guidance, measures to encourage a net gain of biodiversity should be included for all new developments. Further enhancements to the site are recommended, including installation of boxes for birds, and preservation of existing wilder habitat at the rear of the site.

A minimum of four bird boxes should be installed. An external sparrow nesting terrace (3 boxes together) should be installed on the north gable of the existing workshop at least 2m up. A hole-fronted nest box (suitable for blue tit) should be erected on a shady side of a mature tree trunk on the rear bank behind the development.

Boxes can be bought or built from scratch. Full guidance can be found on the RSPB website <https://www.rspb.org.uk/fun-and-learning/for-families/family-wild-challenge/activities/build-a-birdbox/> .

The existing wildlife habitat on the bank at the north end of the site should be retained, and left undisturbed for the local wildlife.

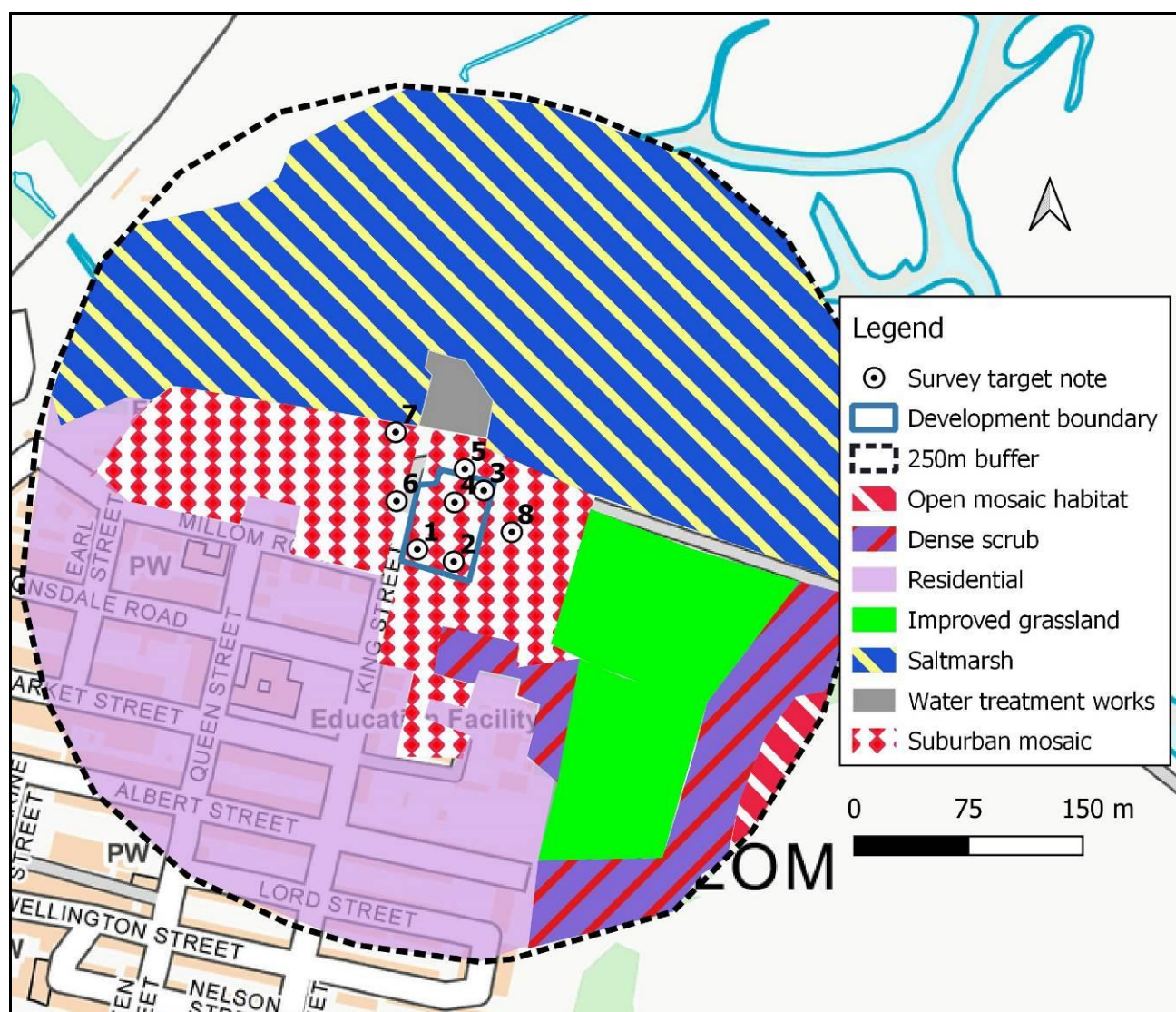


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- [www.magic.gov.uk](http://www.magic.gov.uk) (Information on priority habitats, species and protected sites)
- [www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk) (Information on legal framework, BAP species and habitats)
- Natural England Species Information Note SIN006 (2011) *Otter- European Protected Species* [www.publications.naturalengland.org.uk](http://www.publications.naturalengland.org.uk)

## **APPENDICES**

**Figure 3: Habitat map**



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### Survey target notes

Refer to figure 3 for locations of target notes.

No.	Description
1	Existing workshop and office. Rendered walls and pitched corrugate roof. Not suitable for roosting bats or nesting birds.
2	Compacted hardstanding used for temporary parking for garage. No wildlife value.
3	Patch of maturing willow and hawthorn scrub at north-east corner of site. Of value to invertebrates and birds. No suitable features for crevice nesting birds or roosting bats.
4	Northern 10m of the flat ground with establishing grassland present. Species include ribwort plantain, clover, vetches, thistles, umbellifers and willowherbs. Also some young willow scrub. Vegetation patchy, and mostly

	low growing. Likely to be of value to pollinating insects when in flower.
5	South facing bank of disused railway embankment. Vegetation establishing well with dense grass (false oat grass and cocks foot), teasel, knapweed, gorse and bramble still evident at the time of survey. Good refuge for birds, small mammals, invertebrates and amphibians.
6	Clump of maturing poplars and scrub outside development boundary.
7	Grassland and scrub along disused railway embankment. A well used walking route.
8	Adjacent storage yard with hard standing. Of no notable wildlife value

## **Description of Wildlife Law and Legislation referred to in this document**

### **National Planning Policy Framework (2018)**

Current guidance recommends that planners ensure that all new developments:

- minimise impacts on biodiversity and protected sites
- result in a local net gain in biodiversity
- safeguard wildlife-rich habitat and wider ecological networks
- promote conservation/ restoration and enhancement of priority habitats and ecological networks
- promote protection/ recovery of priority species

### **Nesting birds**

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured. Under this legislation their nests and eggs are also protected from being damaged, destroyed or taken (this includes nests in the process of being built as well as those with eggs and/or chicks in).

Birds which are listed in Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are protected by special penalties at all times. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

### **Bats**

Bats have declined in numbers dramatically across the UK and Western Europe in recent decades. Key factors linked to their decline are loss of roosting places due to building works and woodland destruction. Other factors implicated in their decline are changes in the countryside resulting in habitat loss and greater fragmentation of foraging habitats, and severing of commuting flightlines due to transport developments and hedgerow destruction.

As a consequence of these significant declines, bats and their roosts are protected under British and European law. All bats are listed under Annexe IV of the EU Habitats Directive, and some under Annexe II. This law is transposed into English law into the Conservation of Habitats and Species Regulations (2010). Bats are also protected in the UK under the Wildlife and Countryside Act 1981 (as amended).

As a result of the above legislation it is an offence to;

- Deliberately capture, injure or kill a bat,
- Disturb a bat such that their survival, reproductive capacity, or the well being of the local population is affected
- Intentionally or recklessly disturb a roosting bat, or block access to its roost.

## **Reptiles**

The four widespread species of reptile (common lizard, slow-worm, grass snake and adder) receive partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9(5). It is an offence to intentionally kill, injure, sell, or to advertise for sale, any of these species without an appropriate licence. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

## **Amphibians**

The four widespread species of amphibian (common frog, common toad, smooth newt and palmate newt) receive partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9(5). It is an offence to sell or possess (dead or alive) these species. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

Great crested newts and natterjack toads are European Protected Species, and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981.

It is an offence for anyone intentionally to kill, injure or disturb a great crested newt or natterjack toad, to possess one (whether live or dead), or sell or offer for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by great crested newt for shelter.

## **Biodiversity Action Plans – Species and Habitats**

The UK Biodiversity Action Plan (UK BAP) was published 1994, in response to the Convention on Biological Diversity (CBD), which the UK signed up to in 1992 in Rio de Janeiro. National and Local action plans were developed for the most threatened species and habitats.

The plans, and species and habitats to which they related are reviewed and updated regularly. The current lists can be found on the JNCC website. These have now been succeeded by NERC Act 2006 (see below) but are still commonly used for guidance.

## **Natural Environment and Rural Communities (NERC) Act 2006**

Section 41 of the NERC Act 2006 requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act. This purpose of this list is to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

56 habitats of principal importance are included on the S41 list. These are all the habitats in England that were identified as requiring action in the UK Biodiversity Action Plan (UK BAP) and continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework. There are 943 species of principal importance included on the S41 list. As above, these are the species found in England which were identified as requiring action under the UK BAP and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework.



## Photographs



Photo 1.  
Looking north-west  
across the site.

Showing the rear bank  
(part of the abandoned  
railway embankment)  
and nearby maturing  
trees.



Photo 2.  
Looking north-east to  
the bank and  
maturing scrub.

The bank and scrub  
should not be impacted  
by the proposals.



Photo 3.  
Looking south over  
the site from the  
bank.





Photo 4.  
The location of the  
proposed new  
workshop.

Note compacted  
ground and regular use  
by vehicles – not  
suitable for reptiles or  
amphibians.



Photo 5.  
Looking west over  
the proposed site for  
the new workshop to  
the existing buildings  
on the site.



Photo 6.  
Fenced western  
boundary of the site,  
and adjacent track  
leading to the  
footpath on the  
disused railway  
embankment.